

House File 384 - Introduced

HOUSE FILE 384

BY SCHULTZ

A BILL FOR

1 An Act authorizing area education agencies to competitively
2 bid to provide services to school districts and accredited
3 nonpublic schools.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256B.2, subsections 4 and 5, Code 2011,
2 are amended to read as follows:

3 4. Every child requiring special education shall, if
4 reasonably possible, receive a level of education commensurate
5 with the level provided each child who does not require special
6 education. The cost of providing such an education shall
7 be paid as provided in ~~section~~ sections 273.9 and 273.16,
8 this chapter, and chapter 257. It shall be the primary
9 responsibility of each school district to provide special
10 education to children who reside in that district if the
11 children requiring special education are properly identified,
12 the educational program or service has been approved, the
13 teacher or instructor has been licensed, the number of children
14 requiring special education needing that educational program or
15 service is sufficient to make offering the program or service
16 feasible, and the program or service cannot more economically
17 and equably be obtained from the area education agency, another
18 school district, another group of school districts, a qualified
19 private agency, or in cooperation with one or more other
20 districts.

21 5. Moneys received by the school district of the child's
22 residence for the child's education, derived from moneys
23 received through chapter 257, this chapter, and section 273.9
24 shall be paid by the school district of the child's residence
25 to the appropriate education agency, private agency, or other
26 school district providing special education for the child
27 pursuant to contractual arrangements as provided in section
28 273.3, subsections 5 and 6, or section 273.16.

29 Sec. 2. Section 273.2, subsections 3 and 4, Code 2011, are
30 amended to read as follows:

31 3. The Except as provided in section 273.16, the area
32 education agency board shall furnish educational services
33 and programs as provided in sections 273.1 to 273.9 and
34 chapter 256B to the pupils enrolled in public or nonpublic
35 schools located within its boundaries which are on the list of

1 accredited schools pursuant to section 256.11. The programs
2 and services provided shall be at least commensurate with
3 programs and services existing on July 1, 1974. The programs
4 and services provided to pupils enrolled in nonpublic schools
5 shall be comparable to programs and services provided to pupils
6 enrolled in public schools within constitutional guidelines.

7 4. a. The Except as provided in section 273.16, the area
8 education agency board shall provide for special education
9 services and media services for the local school districts in
10 the area and shall encourage and assist school districts in the
11 area to establish programs for gifted and talented children.

12 b. The board shall assist in facilitating interlibrary loans
13 of materials between school districts and other libraries.
14 Each area education agency shall include as a member of its
15 media center advisory committee a library service area trustee
16 or library service area staff member, who is appointed to the
17 committee by the commission of libraries.

18 Sec. 3. Section 273.3, subsections 2 and 12, Code 2011, are
19 amended to read as follows:

20 2. Be authorized to receive and expend money for providing
21 programs and services as provided in sections 273.1 to 273.9,
22 and 273.16, and chapters 256B and 257. All costs incurred in
23 providing the programs and services, including administrative
24 costs, shall be paid from funds received pursuant to sections
25 273.1 to 273.9, and 273.16, and chapters 256B and 257.

26 12. Prepare an annual budget estimating income and
27 expenditures for programs and services as provided in sections
28 273.1 to 273.9, and 273.16, and chapter 256B within the limits
29 of funds provided under section 256B.9 and chapter 257. The
30 board shall give notice of a public hearing on the proposed
31 budget by publication in an official county newspaper in each
32 county in the territory of the area education agency in which
33 the principal place of business of a school district that is
34 a part of the area education agency is located. The notice
35 shall specify the date, which shall be not later than March 1

1 of each year, the time, and the location of the public hearing.
2 The proposed budget as approved by the board shall then be
3 submitted to the state board of education, on forms provided
4 by the department, no later than March 15 preceding the next
5 fiscal year for approval. The state board shall review the
6 proposed budget of each area education agency and shall before
7 April 1, either grant approval or return the budget without
8 approval with comments of the state board included. An
9 unapproved budget shall be resubmitted to the state board for
10 final approval not later than April 15. For the fiscal year
11 beginning July 1, 1999, and each succeeding fiscal year, the
12 state board shall give final approval only to budgets submitted
13 by area education agencies accredited by the state board or
14 that have been given conditional accreditation by the state
15 board.

16 Sec. 4. Section 273.5, unnumbered paragraph 1, Code 2011,
17 is amended to read as follows:

18 There shall be established a division of special education
19 of the area education agency which shall provide for special
20 education programs and services to the local school districts
21 and to school districts pursuant to section 273.16. The
22 division of special education shall be headed by a director
23 of special education who meets certification standards of the
24 department of education. The director of special education
25 shall have the responsibility for implementation of state
26 regulations and guidelines relating to special education
27 programs and services. The director of special education shall
28 have the following powers and duties:

29 Sec. 5. Section 273.9, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. School districts shall pay for the programs and services
32 provided through ~~the~~ an area education agency and shall include
33 expenditures for the programs and services in their budgets, in
34 accordance with this section.

35 Sec. 6. NEW SECTION. 273.16 **Competitive bidding procedures.**

1 1. The board of directors of a school district or the
2 authorities in charge of an accredited nonpublic school may
3 issue to any area education agency established under this
4 chapter a request for bids and proposals for items and services
5 that an area education agency is required or authorized under
6 this chapter and chapter 256B to provide to a school district
7 or accredited nonpublic school located within its boundaries.
8 An area education agency that enters into a contract pursuant
9 to this section shall meet all of the requirements of this
10 chapter and chapter 256B relating to the provision of the item
11 or service that the area education agency is under contract to
12 provide.

13 2. A school district or accredited nonpublic school shall
14 only enter into a contract with the lowest responsible bidder.

15 3. If a contract entered into pursuant to this section is
16 for special education services for a child requiring special
17 education under chapter 256B, the contract shall be entered
18 into with the area education agency with the lowest responsible
19 bid that also maintains a special education instructional
20 program that is appropriate to meet the child's educational
21 needs.

22 4. If an area education agency other than the area education
23 agency in which the school district or accredited nonpublic
24 school is located is awarded a contract by a school district
25 or accredited nonpublic school pursuant to this section,
26 the area education agency in which the school district or
27 accredited nonpublic school is located shall be responsible for
28 the payment, on a quarterly basis, of the cost per pupil plus
29 weightings or the actual special education costs, whichever
30 amount is greater, to the area education agency awarded the
31 contract for the duration of the contract.

32 5. Notwithstanding any other provision to the contrary, if
33 a school district or accredited nonpublic school enters into
34 a contract with an area education agency other than the area
35 education agency in which the school district or school is

1 located, the area education agency in which the school district
2 or school is located is not responsible for providing the items
3 or services that are the subject of the contract to the school
4 district or school.

5

EXPLANATION

6 This bill authorizes the board of directors of a school
7 district or the authorities in charge of an accredited
8 nonpublic school to issue to any area education agency (AEA)
9 in the state a request for bids and proposals for items and
10 services that an AEA is required or authorized to provide
11 to a school district or accredited nonpublic school located
12 within its boundaries. An AEA that enters into such a contract
13 pursuant to this section shall meet all of the requirements
14 of Code chapter 273 and Code chapter 256B relating to the
15 provision of the item or service that the AEA is under contract
16 to provide.

17 A school district or accredited nonpublic school shall only
18 enter into a contract with the lowest responsible bidder.

19 If such a contract entered into is for special education
20 services for a child requiring special education under Code
21 chapter 256B, the contract shall only be entered into with the
22 lowest responsible bid that also maintains a special education
23 instructional program that is appropriate to meet the child's
24 educational needs.

25 If an AEA other than the AEA in which the school district
26 or accredited nonpublic school is located is awarded such a
27 contract, the AEA in which the school district or accredited
28 nonpublic school is located shall be responsible for the
29 payment, on a quarterly basis, of the cost per pupil plus
30 weightings or actual special education costs incurred in
31 providing appropriate special education, whichever amount is
32 greater, to the AEA awarded the contract for the duration of
33 the contract.

34 If a school district or accredited nonpublic school enters
35 into such a contract with another AEA, the AEA in which the

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1 school district or school is located is not responsible for
2 providing the items or services contracted for to the school
3 district or school.